

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Craig W. Lindsley, et al.	
Serial No.:	10/579,261	Case No.: 21462P
Filing or 371(c) Date:	May 11, 2006	
For:	4-PHENYL PIPERIDINE SULFONYL GLYCINE TRANSPORTER INHIBITORS	

Examiner:
Chang, C.

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This communication is in reply to the Restriction Requirement dated February 17, 2009, setting forth a statutory period for reply ending March 19, 2009.

The Examiner requires election of one of the following groups:

Group I: Claim 17, drawn to R² = phenyl, pyridyl, cyclohexyl compounds. If this group is elected, claims 1-16 and 27 reading on the above subject matter can be prosecuted together with the election.

Group II: Claims 1-16, 27, drawn to remaining compounds wherein R² is not encompassed by Group I.

Group III: Claims 28-30, drawn to method of inhibiting GlyT1.

In response, applicants elect Group I, Claim 17 and Claims 1 to 16 and 27 reading on Group I subject matter, with traverse. Applicants acknowledge the Advisory of Rejoinder beginning at page 4 of the Office action stating that process claims commensurate in scope with allowed product claims will be rejoined pursuant to M.P.E.P. § 821.04.

As the Applicants have elected Group I, no election of species has been required by the Examiner.

With respect to the traversal, Applicants submit the claims are properly linked to form a single general inventive concept. The requirement of a technical interrelationship and the same of corresponding special technical features as defined in Rule 13.2 are met in the instant claims as the claimed compounds share a common activity (i.e., GlyT1 inhibitors) and a common structure is present, which is defined in Formula I. As such, Applicants submit that the unity of invention requirement is satisfied and withdrawal of the restriction requirement is respectfully requested.

In view of the action taken, it is believed that applicants have satisfied the restriction requirement. An early and favorable examination is earnestly solicited. Any fees required in connection to this Response may be taken from Merck Deposit Account No. 13-2755.

Respectfully submitted,

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Date: March 11, 2009